IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

DONALD A. DALLMAN,	
Appellant,)
V.) Vet. App. No. 18-4075
ROBERT L. WILKIE,)
Secretary of Veterans Affairs,)
Annellee) }

APPELLANT'S RESPONSE TO THE SECRETARY'S SOLZE V. SHINSEKI NOTICE

Pursuant to U.S. Vet. App. R. 30(b) and *Solze v. Shinseki*, 26 Vet. App. 299, 303 (2013), Appellant Donald A. Dallman responds as follows to the Secretary's May 4, 2020, Notice to the Court.

Exhibit B of the Secretary's Notice ("Secretary's Exhibit B") consists of a Statement of the Case ("SOC") dated April 9, 2020. The SOC rejected the Veteran's argument that the appropriate effective date for service connection for right thigh hematoma residuals was the April 20, 1999, date of his initial claim. *See* Secretary's Exhibit B at 16. The SOC explained:

"The Board of Veterans' Appeals decision dated April 4, 2018 notes service connection for residuals of right thigh hematoma was previously denied by the regional office in a December 1999 rating decision and states you did not timely appeal this determination or submit new and material evidence within one year of the rating decision notification."

The Veteran asserts the Board's determination that the December 1999 rating

decision became final is itself a final decision, which precludes the assignment of an

effective date for service connection based upon the April 1999 initial claim, and is

therefore both prejudicial and appealable. See Appellant's Brief at 14-15; Appellant's

Reply Brief at 9; Appellant's Motion for Reconsideration at 4-5; Appellant's Notice of

Supplemental Authorities at 2. Accordingly, the April 2020 SOC's rationale for denying

entitlement to an earlier effective date for service connection is relevant to Mr.

Dallman's briefs and filings.

Respectfully submitted,

/s/ Ethan F. Maron

ETHAN F. MARON

LIEBERMAN & MARK

818 Connecticut Ave., N.W., Suite 502

Washington, D.C. 20006

(202) 393-3020

Attorney for the Appellant

Date: May 15, 2020

2